

KC FILED

IN THE FEDERAL DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOISJUN 07 2007  
6-7-07  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

John Otrompke,	)
Plaintiff	)
	)
v.	)
	)
Verizon Wireless	)
and	)
National Enterprise Systems	)
Defendants	)

07CV3197  
JUDGE DARAH  
MAGISTRATE JUDGE ASHMAN

Complaint: Federal Fair Debt Collection Practices ActIntroduction

1. John Otrompke presently contracts with Verizon Wireless for internet service delivered to his desktop computer through a Blackberry device.
2. This arrangement began around December 5, 2006 (see exhibit A), and is paid current and up to date monthly.
3. In July of 2006, Plaintiff inquired at the verizon wireless store at 3260 W. Irving Park Rd. in Chicago about the purchase of a wireless slot card with service by Verizon.
4. Plaintiff was assured by store personnel that the card would work in Plaintiff's desktop computer.
5. The charge was \$54.57, with an accompanying monthly service agreement, and a 15-day no-obligation return policy.
6. Plaintiff learned later that day that the card did not work in the Gateway desktop.

7. Plaintiff returned the card and cancelled the agreement within a couple of hours (see attached Exhibit B).
8. Verizon has nonetheless attempted the collect on the July 2006 agreement as many as 10 times, and has used abusive methods in so doing.
9. Plaintiff has mailed Verizon a letter expressing a willingness to settle this multi-count suit for \$10,000.

COUNT ONE

10. Verizon has attempted to collect on a debt, said to be \$185.39, from this July 2006 transaction, approximately 10 times since last year.
11. Verizons aid Plaintiff a bill for that amount on September 10, 2006.
12. Plaintiff wrote back to Verizon, stating that he did not owe any money and why (see Exhibit C), and warning Verizon that he would attempt to recover \$10,000 under this statute.
13. Verizon responded to the correspondence, and after one hour or more spent by Plaintiff on the phone, Verizon personnel agreed to lift the fees (see Exhibit D).
14. Since that time, Verizon has contacted Otrompke repeatedly, trying to recover for this July 2006 transaction.
15. These attempts have come in the form of mailed bills, and phone calls trying to collect for the internet card service, and Plaintiff has warned Verizon personnel that he would bring suit.

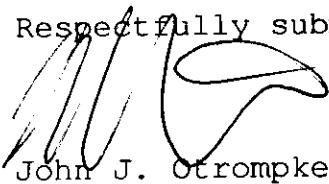
COUNT TWO

16. Verizon subsequently hired a collection agency, National Enterprise Systems, to recover for this debt from July 2006.
17. NES is a professional debt collection agency, earning six figures per year in the business, on information and belief.
18. On April 5, 2007, NES mailed a collection letter to Otrompke trying to recover for this July 2006 debt (see attached Exhibit E).
19. About that time, Otrompke received a threatening phone call from John Townshend, who is employed by NES as a professional debt recoverer.
20. Townshend told Otrompke that the debt was from July of 2006.
21. Townshend also told Otrompke that two days prior to the phone call, Verizon had added \$34 to the amount due on this July 2006 debt.
22. Additionally, Townshend told Otrompke that NES would be filing a report with credit reporting agencies.
23. Townshend warned Otrompke that NES would be making an "extremely punitive" report to these collection agencies, in his exact words.
24. On information and belief, NES has indeed filed a report with the credit bureaus, which has injured Otrompke's credit.
25. But the final straw came shortly after May 16, 2007, when Verizon authorized National Enterprise Systems to attempt once again to collect, through strong-arm tactics, on this invalid account on which Otrompke owes nothing, authorizing NES to coerce Otrompke into paying 80% of this non-existent debt, dating from July of 2006 (see attached exhibit F).

COUNT THREE

26. When Otrompke purchased his wireless internet service through a Blackberry from Verizon in December 2006, the contract provided that Otrompke would receive a rebate of \$50 (see attached Exhibit G).
27. According to the agreement, Otrompke was supposed to have received the rebate within about 60 days of submission.
28. Otrompke complied with Verizon's request by mailing as copy of the receipt and seal from the back of the Blackberry box (see Exhibit H).
29. Nonetheless, nearly 6 months later, Plaintiff has not received his warranty.
30. On information and belief, this is because Verizon wrongfully believes that Otrompke owes them money from the July 2006 transaction.

WHEREFORE, Plaintiff, John Otrompke, pro se, hereby requests this Honorable Court to award \$30,000 for violation of the Federal Fair Debt Collection Practices Act and other relevant statutes, and other relief based on obstructionism if appropriate, and such other relief as this honorable court deems appropriate.

Respectfully submitted,  
  
John J. Otrompke

John Otrompke  
6167 N. Broadway #264  
Chicago IL 60660

312-217-3394

....."AUTO" 3-DIGIT 606  
004305 000000018 000000000

January 12, 2007

JOHN OTROMPKE  
6167 N BROADWAY ST APT 264  
CHICAGO, IL 60626

Dear John Otrompke,

Thank you for choosing Verizon Wireless. This letter confirms your activation of wireless phone service for wireless number (312) 515-9186 on December 5, 2006. We have also listed the details concerning your wireless service below. For your records, enclosed is a copy of your Customer Information Overview and Customer Agreement.

For specific details about your rate and coverage area, please refer to the back of this letter.

Sincerely,  
Verizon Wireless

**Wireless #:**  
(312) 515-9186

**Account #:**  
048506297200001

**Contract end date:**  
12/05/08

### Below, for your review, is your current account information

#### Calling plan name

- Core Choice With Blackberry Device

#### Calling plan details

• Monthly access .....	\$39.99
• Allowance Minutes .....	450
• Home airtime rate after allowance .....	\$0.45 per minute
- Nights (9:01pm - 5:59am)	
- Weekends (12:00am Sat - 11:59pm Sun)	
• IN Calling (mobile to mobile) .....	Unlimited
• Domestic Wireless Long Distance .....	Included
• Domestic Roam Rate .....	Included

#### Promotion Description\*

- Unlimited Night And Weekend Home Airtime Minute Allowance Per Month

#### Feature Description

- Tec Lockline -
- 250 Msg Non-Camera

#### Feature Charge

- \$5.99
- \$5.00

- Your estimated taxes, governmental surcharges and fees on your 1st bill are: \$15.02
- Your estimated Verizon Wireless surcharges on your 1st bill are: \$1.61
  - Estimated taxes and surcharges may be for both the partial and full month period.
  - The Federal Universal Service, Regulatory and Administrative Charges are Verizon Wireless charges, not taxes.
  - Monthly Federal Universal Service Charge on interstate & international telecom charges (varies quarterly based on FCC rate): 9.7% per line
  - Monthly Regulatory Charge (subject to change from time to time): \$0.05 per line
  - Monthly Administrative Charge (subject to change from time to time): \$0.40 per line
- Taxes and Verizon Wireless surcharges may add between 8% to 26% of your monthly bill.
- Activation fees: \$35.00 per line; except \$25.00 for secondary Family SharePlan lines with a 2-year agreement.

#### Important cancellation information

#### Conveniently online

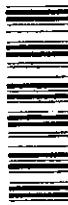
- Pay bills securely
- Access account activity
- Upgrade equipment, calling plan & features, anytime

**Visit My Account at**  
**verizonwireless.com and**  
**register today!**

#### From your wireless phone call airtime free:

- #MIN** (#646)-check unbilled minutes
- #BAL** (#225)-get account balance
- #DATA** (#3282)-for TXT MSG usage
- #PMT** (#768) make payments

Visit [verizonwireless.com](http://verizonwireless.com)  
for more services and features



Verizon Wireless  
 3260 Irving Park Rd  
 Chicago, IL 60618-3325  
 (773)463-5364

Order Location: M0949 01 #1432 Pmt 1  
 Order Type: RF  
 Receive Location: M0949 01 Register: 3  
 07/21/05 16:59 ET FRANED2 - ETV25

PC5740VW UTS PC5740 PC CAR	-\$49.99
Return Code # 41 Customer Changed Mind	-\$0.00
WAR6002 1 YR, MFG. WARRANT	-\$0.00
PRO80633EN VLIST FOLDER	-\$4.48
Tax:	-----
Total Tax:	-\$4.48
Total:	-\$54.47
This Payment:	-\$54.47

CASH

Customer Signature

Prepared By

Approved By

Return Policy:

Merchandise is not eligible to be returned if the Manufacturer UPC code is removed from the box.

Items must be returned/exchanged in the original packaging and contain all original components in like-new condition by the original purchaser and be accompanied by an original purchase receipt within 15 days.

Only one exchange within the first 15 days will be honored, unless the exchange is requested due to defective equipment.

See Return Policy brochure for complete details.

New gift cards will be issued for returns on purchases made with gift cards.

Opened software purchased separately may be exchanged only for the same exact item at a Verizon Wireless Communications Store and may not be returned for refund.

Before returning or exchanging any product that has data stored in its memory, please transfer all files you wish to retain to another file source. Once the product is returned, your files

John Otrompke  
6167 N. Broadway #264  
Chicago IL 60660

Verizon Wireless  
Legal Department

September 20, 2006

Dear Verizon:

Your recent bill, dated September 10, is in error. I do not owe Verizon any money, because I cancelled my service the same day I ordered it, when I learned your product does not work on my Dell desktop computer. Apparently an inconsiderate employee at your store on West Irving in Chicago was uninformed, and incorrect when they stated that it did work on desktops.

A copy of the receipt showing the cancellation, dated July 21<sup>st</sup>, is enclosed.

While I might be interested in receiving Verizon service in the future, if you could tell me a little about how it works and what laptops it works on, I will not pay you any money on this account, and if you continue to try to collect it, please inform your legal department that I have retained a lawyer and I will seek to recover \$10,000 from your company under the federal Fair Debt Collection Practices Act.

Sincerely,

John Otrompke

*John Otrompke  
6167 N. Broadway #264  
Chicago IL 60660*

**verizon** wireless  
777 Big Timber Rd  
Elgin IL 60123

Be Lwds  
2897

11/22 12:49

October 12, 2006

(one of the cell not in  
calender)

John Otrompke  
6167 N BROADWAY ST APT 264  
CHICAGO, IL 60660

Skelly 3156

Re: Account Number 0685612762-00001

Janette 1909 - Marve  
910-309-6983 (W)

Dear John Otrompke:

Thank you for your recent correspondence regarding your wireless account.

Your concern deserves special attention and we are eager to assist you. We attempted to reach you at the contact numbers on your account; however, we were unsuccessful.

Please contact us when it is most convenient to you: we are available 24 hours a day, 7 days a week at 1-800-922-0204 or \*611 from your wireless phone or visit our website: [www.verizonwireless.com](http://www.verizonwireless.com).

Thank you for using Verizon Wireless. We appreciate your business and look forward to speaking with you in the near future.

Sincerely,

David

Verizon Wireless  
Customer Service

Rb

Verizon wireless

on card with the V640

not a card  
PCMCIA card slot

Card slot  
adapter for a  
desk-top computer  
6000k

V640 card for a laptop  
in smile card slot

The above response is subject to the terms of your Customer Agreement and calling plan which apply to all lines on your account. Please read those materials for full details. Our liability is limited. In the event of a conflict between this response and the terms of your Customer Agreement and calling plan, the terms of your Customer Agreement and calling plan will govern. Verizon Wireless' calling plans, rate areas, rate agreement provisions, business practices, procedures and policies are subject to change as specified in the Customer Agreement. If you should have any questions or concerns regarding your service with Verizon Wireless, please contact us at 1-800-922-0204 or e-mail us at [email@verizonwireless.com](mailto:email@verizonwireless.com).

NATIONAL ENTERPRISE SYSTEMS

29125 Solon Road • Solon, OH 44139-3442

April 5, 2007

John J Otrompke 663735-VZM120  
 6167 N Broadway St  
 Apt 264  
 Chicago IL 60660-2501

## RE: VERIZON WIRELESS

Client ID:VZM120  
 For: 0039068501276200001  
 Date of Referral: 04/03/2007  
 Date of Service: 07/21/2006

Please contact:  
 (800) 925-6143 ext. 1164

Principal Balance:	\$151.96
Collection Charges:	\$33.43
<b>Total Amount Due:</b>	<b>\$185.39</b>

This account has been listed with our office for collection.

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor. If you make payment on this account by check, the face amount of the check may be presented to your bank by paper draft or electronically as permitted by law.

<u>Service Provider</u>	<u>Account #</u>	<u>Total Due</u>
VERIZON WIRELESS	663735	185.39
<b>Total Amount Due:</b>		<b>\$185.39</b>

You can now pay by automated phone system at (866) 294-0188 or on the internet at [www.nesi.paymybill.com](http://www.nesi.paymybill.com). Just enter your account number 663735. Transaction fees will be charged if you use the automated phone system or the internet to make payment on this account. You are not required to use the automated phone system or the internet to make payment on this account.

4SONNE\$102709

**NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

\*\*\*PLEASE COMPLETE AND RETURN THE FORM BELOW WITH YOUR PAYMENT\*\*\*



DAKS1168  
 PO Box 1022  
 Wixom MI 48393-1022  
 ADDRESS SERVICE REQUESTED

Daytime Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

Evening Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

 Enclosed is Payment in Full

102

Please forward all payments and correspondence to:  
 NATIONAL ENTERPRISE SYSTEMS

29125 Solon Road  
 Solon OH 44139-3442

#BNHRMD 681499 27231  
 #0405 0743 0027 2313# -709

||||||||||||||||||||||||||||||||||||||||

||||||||||||||||||||||||||||||||||||||||

\*PERSONAL & CONFIDENTIAL\*

John J Otrompke  
 6167 N Broadway St  
 Apt 264  
 Chicago IL 60660-2501

April 5, 2007

Client ID:	0039068501276200001	663735	JTOW
Amount Due:	\$185.39	Amt Paid	\$ _____

NATIONAL ENTERPRISE SYSTEMS  
29125 Solon Road • Solon, OH 44139-3442

May 16, 2007

John J Otrompke 663735 VZM120  
6167 N Broadway St  
Apt 264  
Chicago IL 60660-2501

RE: VERIZON WIRELESS  
Client ID: 0039068501276200001

For:

Date of Referral: 04/03/2007  
Date of Service: 07/21/2006

Please contact:  
(800) 925-6143 ext. 1164

**Total Amount Due: \$185.39**

We have been authorized by our client to settle your account for EIGHTY (80) PERCENT of the total balance due. Please contact this office if you would like to discuss this offer.

This is a communication from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

You can now pay by automated phone system at (866) 294-0188 or on the internet at [www.nesi.paymybill.com](http://www.nesi.paymybill.com). Just enter your account number 663735. Transaction fees will be charged if you use the automated phone system or the internet to make payment on this account. You are not required to use the automated phone system or the internet to make payment on this account. If you make payment on this account by check, the face amount of the check may be presented to your bank by paper draft or electronically as permitted by law.

450NNES102088

**NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

\*\*\*PLEASE COMPLETE AND RETURN THE FORM BELOW WITH YOUR PAYMENT\*\*\*

PAYMENT BY (      ) CHECK		<input type="checkbox"/>				
						EXPIRATION DATE
						1
						AMOUNT
						\$
CARD NUMBER		CARDHOLDER SIGNATURE				DATE

10

ONNESI02  
PO Box 1022  
Wixom MI 48393-1022  
ADDRESS SERVICE REQUESTED

#BNHIRMID 1912355 14360  
#0516043200143607# -088

\*\*\*\*\*  
\*PERSONAL & CONFIDENTIAL\*  
John J Otrempke  
6167 N Broadway St  
Apt 264  
Chicago IL 60660-2501

102

May 16, 2007 663735 JTOW  
Client ID: 0039068501276200001  
Amount Due: \$185.39 Amt Paid: \$ \_\_\_\_\_  
Daytime Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Evening Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Subject to Customer Agreement, Calling Plan and credit approval. New one or two year Agreement required (except for EasyPay activations.) Certain restrictions apply. Limit one rebate offer per wireless phone number and ESN or MEID. Equipment must be activated on Verizon Wireless service to receive rebate. For phones purchased at a Verizon Wireless Communications Store or kiosk, rebate not available if final equipment purchase price (prior to rebate) is less than the stated rebate amount. Cannot be combined with other offers. Corporate equipment pricing not eligible for rebate. Rebate checks will be mailed within 6 weeks after receipt of claim.

Any mail-in rebate form or check lost or misdirected by the U.S. Postal Service or other delivery service is not the responsibility of the

\*\*\*\*\*  
\*\*\*\*\* MAIL-IN REBATE FORM \*\*\*\*\*  
\*\*\*\*\*

Elston Comm Store  
Verizon Wireless  
3260 W Irving Park Rd.  
Chicago, IL 60618-3325  
773-463-5364

Order Location: M0949-01 #9664  
Order Type: PS

Rebate Offer #: 06-015  
Purchase Date: 12/05/2006  
Model: BLACKBERRY 7250 EVDO  
ESN: 07611089960  
Purchase Price: \$249.99  
Wireless #: 312-515-9186

Rebate: \$50.00  
Offer Dates: 11/24/2006 to 01/15/2007  
Must be postmarked by 02/05/2007  
and received by 02/20/2007

PLEASE SEND MY REBATE TO:

JOHN J OTROMPKA  
1444 N PRATT C 2  
CHICAGO IL 60626-4276

Verizon Wireless  
3260 W Irving Park Rd.  
Chicago, IL 60618-3325  
(773)463-5364

Order Location: M0949 01 #9684 Pmt 1  
Order Type: PS  
Receive Location: M0949 01 Register: 7  
12/05/06 14:54 ET GONZCY1 - ETV25

PRD-11146-001 RIM BB7250 D	\$149.99
(312)515-9186	
REB80696 (Rebate Eligible)	
WAR6002 1 YR. MFG. WARRANT	\$0.00
Tax:	\$13.48
<b>Total Tax:</b>	<b>\$13.48</b>
<b>Total:</b>	<b>\$163.47</b>
<b>This Payment:</b>	<b>\$163.47</b>

DEBIT XXXXXXXXXXXX8012 07/2008  
TRACE ID :  
REFERENCE: 100042

### Hearing Aid Compatibility = M3

ESN DEC: 07611089960



PIN: 32AE630D



ESN HEX: 4CA93828



SKU: PRD-11146-001



BT MAC: 00 0F 86 4B 29 EF



BlackBerry 7250  
MODEL: RAR20CN

280606  
Handheld Made in CANADA  
Accessories Made in  
Canada, USA, China, Japan

Product Meets Current FCC Radiofrequency Exposure Guidelines  
FCC Equipment Authorization ID: 2AAR20CN  
Additional detail within and  
Meets FCC SAR limit



### Return Policy:

Merchandise is not eligible to be returned if the Manufacturer UPC code is removed from the box.

Items must be returned/exchanged in the original packaging and contain all original components in like-new condition by the original purchaser and be accompanied by an original purchase receipt within 15 days.

Only one exchange within the first 15 days will be honored, unless the exchange is requested due to defective equipment. See Return Policy brochure for complete details.

New gift cards will be issued for returns on purchases made with gift cards.

Opened software purchased separately may be exchanged only for the same exact item at a Verizon Wireless Communications Store and may not be returned for refund.

Before returning or exchanging any product that has data stored in its memory, please transfer all files you wish to retain to another file source. Once the product is returned, your files cannot be recovered.

Thank You

Visit Us At:

[www.verizonwireless.com](http://www.verizonwireless.com)